



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,492	10/27/2000	Pascal Lefebvre	Q61274	3518
7590 12/14/2004				
Sughrue Mion Zinn MacPeak & Seas PLLC				
2100 Pennsylvania Avenue N W				
Washington, DC 20037-3213				
		EXAMINER		
		PHAN, MAN U		
		ART UNIT		
		PAPER NUMBER		
		2665		

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/697,492	Applicant(s) LEFEBVRE, PASCAL	
	Examiner Man Phan	Art Unit 2665	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: the amended claims have raised new issues.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

1. The affidavit, exhibit or request for reconsideration has been considered but does not place the application in condition for allowance because:

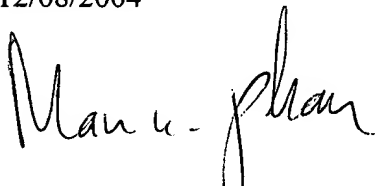
Applicant's arguments are not persuasive. It's the examiner's position that the reference is applied herein for the teaching of . Aida (EP 0814632A2) discloses in Fig. 1 a block circuit diagram illustrated the structure of an output buffer in ATM connection admission control, in which the buffer state information is responsible for allocating bandwidth. In this case, the purpose of connection admission control is for bandwidth allocation, and Aida is applied herein for the teaching of the Connection Admission Control (CAC) in optimizing the bandwidth allocation within the network. Aida further teaches Fig. 2 illustrated a CAC section, in which a connection admission controller in communication with the service category traffic parameters (rate monitor) to determine a bandwidth allocation for a requested connection in response to the traffic flow, and to permit oversubscription of allocated bandwidth based on an allocation factor when measured traffic flow is less than a subscribed bandwidth provided by at least one traffic parameter of the connection request (page 4, lines 43 plus and page 6, lines 15 plus). Furthermore, ATM is a standard that defines high-load, high speed, fixed size packet switching with dynamic bandwidth allocation. It's well recognized that asymmetric allocations of frequencies/time slots are needed in communication control. Asymmetric allocation of transmission bandwidth is advantageous where there is a disproportionate amount of information transmitted between uplink and downlink channels. In many communication systems, uplink and downlink transmissions are separated, such as by frequency and/or time

Art Unit: 2665

slots. One such system is the wideband code division multiple access (WCDMA) frequency division duplex (FDD) mode, which separates the uplink and downlink by frequency. By contrast, the WCDMA time division duplex (TDD) mode separates the uplink and downlink by time slots, in response to uplink and downlink traffic demands. To illustrate, in an FDD system, more downlink frequency bands may be needed than uplink or, in a TDD system, more downlink time slots may be needed than uplink. An incorrect allocation of these frequency bands/time slots leads to an under utilization of the radio resources. In the same field of endeavor, Chiu et al. teaches the use of PVCs and SVCs for setting up virtual connections in an ATM network to meet the quality of service requirements, and for networks with asymmetrical user bandwidth requirement (Col. 7, line 22 – Col. 8, line 60). The Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 1-2 are maintained in this office action. The final rejection mailed on June 25, 2004 is therefore maintained.

Mphan.

12/08/2004



MAN U. PHAN
PRIMARY EXAMINER